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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,291	09/27/2001	Mitsuji Hama	NAK1-BQ06	3849

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/965,291

Applicant(s)

HAMA ET AL.

Examiner

Melur Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12 and 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 and 23-26 is/are allowed.
- 6) ☒ Claim(s) 15-22 and 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11-18-2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-18, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aberg (WO 00/55717) in view of Werkhoven (WO99/59097) and Tomita et al. (JP409167188, hereinafter Tomita).

Regarding claim 15, Aberg discloses a communication terminal having a display that displays plurality of setting items for related internal functions of the communication terminal, comprising: an operation unit (7, fig. 1) operable to receive, according to key input, an instruction for selecting a setting item from the plurality of setting items displayed on the display (6, fig. 1, page 8, line 4 – page 9, line 35; figs 1-3).

Aberg differs from claims 15-16 in that it does not specifically teach the following: a control unit operable to measure length of time from when the selected setting item is

selected according to instructions, and when measured length of time exceeds predetermined length of time, control such that that the display displays setting value of the selected setting item, when the measured length of time from when setting item is selected according to instruction exceeds the predetermined length of time, the control unit controls such that a window that displays the setting value of the selected setting item pop up on part of a display screen of the display,

However, Tomita discloses portable terminal which implicitly teaches the following: control unit capable of displaying selected item information in a pop up window after predetermined time (fig. 3, abstract) and Werkhoven teaches the following: a control unit operable to measure length of time and displaying information in a pop up window when measured length of time exceeds a predetermined amount of time (page 1, line 35 – page 2, line 5; page 2 lines 12-20).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Aberg system to provide for the following: a control unit operable to measure length of time from when the selected setting item is selected according to instructions, and when measured length of time exceeds predetermined length of time, control such that that the display displays setting value of the selected setting item, when the measured length of time from when setting item is selected according to instruction exceeds the predetermined length of time, the control unit controls such that a window that displays the setting value of the selected setting item pop up on part of a display screen of the display as this arrangement would facilitate to display additional information on the user interface based on lapse of predetermined

time as taught by combined teachings of Tomita and Werkhoven, thus facilitating to provide further information.

Regarding claims 17-18, Aberg further teaches the following: while the setting value of the selected setting item is being displayed on the display, when the operation unit receives, according to key input, an instruction for selecting another of setting items, the control unit controls such that display of setting value is stopped (6, fig. 1, page 8, line 4 – page 9, line 35; figs 1-3).

Claims 19-22 are rejected on the same basis as claims 15-18.

4. Claims 27, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junichi (JP10-3088810) in view of Werkhoven.

Regarding claim 27, Junichi discloses a communication terminal having a display that displays plurality of setting items (drawing 3) for related terminal functions of the communication terminal, comprising: a highlighted display unit (Drawing 3) operable to cause highlighted display of any of the plurality of settings items being displayed on the display (2, Drawings: 2-3), an operation unit (3, Drawing 1) operable to receive an operation for moving a position of the highlighted display performed by the highlighted display unit, a control unit to cause a setting value of a currently highlighted setting item to be displayed on the display (abstract; paragraphs: 0019-0031).

Regarding claim 28, Junichi discloses a communication terminal comprising: a display unit (Drawings: 1-3) for showing plurality of setting items for related internal functions of a communication terminal and highlighting only one of the setting items (for example RH/HO, Drawing 3) at a time distinguish that one setting item from the

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reminder of plurality of setting items, an operating unit (3, Drawing 1) for receiving information from a user for causing the display unit to highlight one of the plurality of setting items, and a control unit (4, Drawing 2) automatically activates display unit to indicate a setting value associated with the highlighted setting item whereby a user is not required to enter further instruction to the operation unit (abstract; paragraphs: 0019-0031).

Junichi differs from claims 27-28 in that although he implicitly teaches that control unit needs lapse of predetermined time to display information concerning highlighted items such as (for example RH/HO, Drawing 3), he does not teach control unit measuring time to effect display of information of highlighted items after measured time exceeds a predetermined length of time.

However, Werkhoven teaches the following: a control unit operable to measure length of time and displaying information in a pop up window when measured length of time exceeds a predetermined amount of time (page 1, line 35 – page 2, line 5; page 2 lines 12-20).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Junichi's system to provide for the following: control unit measuring time to effect display of information of highlighted items after measured time exceeds a predetermined length of time as this arrangement would provide one method, among many possible methods, to implement display of information to suite application requirements.

Junichi differs from claims 29-30 in that although he implicitly teaches highlighting items and display of information of highlighted items after lapse of certain time, control unit only shows on the display unit indication of the setting value associated with the highlighted item (abstract; paragraphs: 0019-0031), he does not teach: after a second predetermined length of time, the control unit removes from display unit indication of the setting value associated with the highlighted setting item.

However, Werkhoven teaches: the control unit removes from display unit indication of the setting value after lapse of a predetermined length of time (page 2 lines 12-19).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Junichi's system to provide for the following: after a second predetermined length of time, the control unit removes from display unit indication of the setting value associated with the highlighted setting item as this arrangement would provide one method, among many possible methods, to implement display of information to suite application requirements.

5. Claims 9-12, 23-26 are allowed.

Response to Arguments

6. Applicant's arguments filed on 11-18-2006 with respect to claims 15-22 have been fully considered but they are not persuasive.

Rejection of claims 15-22 under 35 U.S.C 103(a) as being obvious over over Aberg (WO 00/55717) in view of Werkhoven (WO99/59097) and Tomita et al. (JP409167188, hereinafter Tomita): Regarding rejection of these claims, Applicant

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seems to attribute the rejection of claims to hindsight. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding rejection of the above claims, Applicant's further arguments on pages 12-13 of his response are based on arguing against individual references. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Melur Ramakrishnaiah
Primary Examiner
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